

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

KOSMOE MALCOM, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO. 5:20-cv-165 (MTT)
)	
GEICO INDEMNITY COMPANY, et al.,)	
)	
Defendants.)	
)	

ORDER

Defendants GEICO Indemnity Company, Government Employees Insurance Company, and GEICO General Insurance Company (collectively, “GEICO”) move for clarification of the Court’s May 9, 2023 Order (Doc. 168) denying the plaintiffs’ motion to amend. Doc. 169. GEICO seeks clarification on whether the data contained in the “DRIVES system that was exported into excel data files for Plaintiffs” or the PDF motor vehicle ad valorem assessment manual constitute “the ‘motor vehicle ad valorem assessment manual’ referenced in Plaintiffs’ class definition.” *Id.* at 1.

In seeking clarification, GEICO contends that the Court issued “previous rulings” concluding that the data in DRIVES constitutes “the motor vehicle ad valorem assessment manual.” *Id.* at 3. Further, GEICO argues these “rulings” somehow affect “liability” and other issues in the case. *Id.* Not so. The Court only addressed the issue in the context of class certification proceedings and only then in response to specific questions posed by the parties. For GEICO’s part, as the Court noted at the time, the question posed was really a tardy and thinly disguised *Daubert* motion attacking the

plaintiffs' expert's methodology and the admissibility of data used by the expert. See Docs. 89 at 13-14; 124 at 3-4; 142 at 23:11-14.

In any event, GEICO's motion (Doc. 169) is **GRANTED**. The Court clarifies that the PDF motor vehicle ad valorem assessment manual constitutes the "motor vehicle ad valorem assessment manual" referenced in the class definition. The parties shall use the PDF motor vehicle ad valorem assessment manuals to identify the class and send out class notice as soon as possible.

SO ORDERED, this 25th day of May, 2023.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT